

Practitioner's Docket No. BVOC011



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lisa M. Guerra et al.

Application No.: 09/802,662

Group No.: 2654

Filed: 03/09/2001

Examiner: Lerner, Martin

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DYNAMICALLY CONFIGURABLE VOICE PORTAL

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER
37 C.F.R. § 1.137(b)

1. This application became abandoned on March 15, 2004.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.
4. Fee (37 C.F.R. § 1.17(m))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment

02/03/2005 MAILING 098000031 09802662

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750.00 0P

Petition for Revival of Unintentionally Abandoned Application--page 1 of 2

Application status is small business entity—fee \$750.00. A statement was filed.

5. Payment of fee

Applicants have enclosed a check in the amount of \$750.00. Authorization is hereby made to charge the any additional fees due or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOCPO11).

A duplicate of this petition is attached.

6. Showing:

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: _____

11/24/05

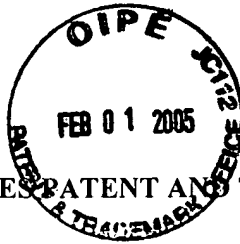
Signature of person making statement that
abandonment was due to unintentional delay

Kevin J. Zilka
Attorney for Applicant

Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
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Customer No.: 28875

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PETITION 37 C.F.R. §§ 1.137(b)

Applicant hereby petitions for the revival of this application.

Accompanying this transmittal, the Applicants hereby enclose:

- 1) Petition to Revive Patent Application- Unintentional
- 2) Statement by Applicant Showing Unintentional Delay
- 3) Amendment A with Amendment Transmittal
- 4) Declaration of Prior Invention with Exhibits A & B
- 5) Copy of Previously Submitted Revocation of Prior Powers & Grant of New Power of Attorney
- 6) A check in the amount of \$750.00
- 7) Return Postcard

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____

Date: 1/28/2005


Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

The Commissioner is authorized to charge any additional fees due with the filing of this paperwork or credit any overpayment to deposit account 50-1351 (BVOCP011).



Signature of Practitioner

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875

Kevin J. Zilka
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San Jose, CA 95172-1120
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-1-

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Examiner: Lerner, Martin

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A
DYNAMICALLY CONFIGURABLE VOICE PORTALSHOWING REQUIRED WHEN PETITION BEING FILED IS MORE THAN 3
MONTHS FROM NOTIFICATION OF ABANDONMENTMail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits the following showing as to how the delay between the date the applicant was first notified that the application was abandoned (i.e. Notice of Abandonment mailed 07/12/04) and the filing of this petition (herewith) under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997). See M.P.E.P. Section 711.03(c), 7th Edition.

STATEMENT

My name is Thomas Kwan, an employee of BeVocal.

During prosecution of the present application, BeVocal kept a spreadsheet of the Office Actions received and dates that responses were due.

Prior to abandonment, Megan Carroll, general counsel for BeVocal, was in charge of BeVocal's patent program. Ms. Carroll continued to manage BeVocal's patent applications, including the above application through mid January 2004. Upon Ms. Carroll's departure from that role, Tacey Bourne, another employee of BeVocal, assumed responsibility of managing BeVocal's patent applications. I joined BeVocal in February 2004, and assumed responsibility for managing multiple BeVocal patent applications in early June 2004. During this time of transition of patent management, the updated responsibility of incoming patent-related mail had not been established, due to an unintentional management error. At the same time, BeVocal's use of new, rotating receptionists to distribute mail only exacerbated this unintentional problem, especially since the patent-related mail was not addressed to any individual person. BeVocal was first put on notice of the abandonment of the above application with the mailing of the notice of abandonment on 07/12/04.

-2-

As mentioned previously, I assumed responsibility for managing multiple patent applications in early June 2004, taking over patent management from Tacey Bourne. Being new to the assignment, I unintentionally and erroneously assumed that Lisa Guerra, another employee of BeVocal, would be delegated responsibility over the above application, as she is the first-named inventor on the patent application. However, Ms. Guerra had also unintentionally and erroneously assumed that I would take responsibility for such management.


The foregoing oversight was not discovered until the matter was transferred over to BeVocal's newly commissioned patent attorney in October 2004, who worked diligently with me to prepare the response submitted herewith.

Due to the foregoing unintentional mismanagement and miscommunication, the delay between the date the applicant was first notified that the application was abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor's signature:



Date: 1/26/05

Thomas Kwan

Country of Citizenship:

USA

Residence:

1121 Blair Ave
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